***THE HON'BLE MR JUSTICE L. NARASIMHA REDDY***

**Writ Petition No.1336 of 2007**

***Dated 30-08-2007***

Between:

Gandham Sambasiva Rao and others

…Petitioners

And

The Executive Engineer (I&CAD)
Special Division, Vijayawada and another.

…Respondents

***THE HON'BLE MR JUSTICE L. NARASIMHA REDDY***

**Writ Petition No.1336 of 2007**

-

**ORDER:**

The petitioners claim to be the owners of certain lands irrigated by a tank, known as Vemavaram Chinna Cheruvu in Sy.Nos.65 and 66/1, of Kothur Tadepalli Village, Vijayawada Mandal, Krishna District. Their grievance is that the 2nd respondent has occupied the entire tank-belt, and is not permitting the drawal of water for irrigation of ayacut.

The 1st respondent filed a counter-affidavit, stating that the tank in question is in Sy.Nos.84, 85, 89, 90 and 91 of Vemavaram Village. It is further stated that a tank located in Sy.Nos.65 and 66/1 is a private tank, held by the family of the 2nd respondent.

The 2nd respondent filed a counter-affidavit, stating that for the last several decades their family is exercising the exclusive rights of ownership over the land in Sy.Nos.65 and 66/1, and that the petitioners do not have any right*, vis-à-vis* the said lands.

Heard Sri T. Jagdish, learned counsel for the petitioners, learned Government Pleader for Irrigation and Sri C.V.R. Rudra Prasad, learned counsel for the 2nd respondent.

The record that is placed before this Court discloses that there exists a private tank in Sy.Nos.65 and 66/1 of the said village. While the petitioners contend that they have been drawing water by irrigating

their lands through the said tank, the 2nd respondent had flatly denied the same.

In the ordinary parlance, the private tanks irrigate the lands of the concerned owners, and general public do not have any right to draw water for irrigating the lands, as in the case of the public sources of irrigation. The mutual rights and obligations of the petitioners, on the one hand, and the owners of the private tank
in Sy.Nos.65 and 66/1, on the other hand, are not immediately before this Court. It becomes necessary to examine the concerned records, as well as the relevant provisions of law. If the petitioners have any genuine grievance, they can certainly approach the District Collector, who, in turn, can call for the relevant records, and pass appropriate orders.

Hence, the writ petition is disposed of, leaving it open to the petitioners to file a representation to the District Collector, Krishna, narrating their grievance. On receipt of the same, the District Collector, shall issue notices to the concerned parties; call for the record, and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

**L. NARASIMHA REDDY, J.**

**Dt.30-09-2007.**

**Note:**

c.c in three days.
(B/O)
*KO*